

**BEFORE THE WHANGAREI DISTRICT COUNCIL AND NORTHLAND REGIONAL COUNCIL**

**IN THE MATTER** of the Resource Management Act 1991

**AND**

**IN THE MATTER** of a resource consent application by Northport Limited under section 88 of the Resource Management Act 1991 for a port expansion project at Marsden Point

**APPLICATION NO.** LU2200107 (WDC)

APP.040976.01.01 (NRC)

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**SUMMARY STATEMENT OF EVIDENCE OF BRETT LEWIS HOOD**

**(PLANNING)**

**11 October 2023**

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**Counsel instructed:**

Kitt Littlejohn  
Quay Chambers  
Level 7  
2 Commerce Street  
Auckland 1010

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**Solicitors acting:**

CH Simmons / SJ Mutch  
Chancery Green  
223 Ponsonby Road  
Auckland 1011



## **SUMMARY STATEMENT OF EVIDENCE OF BRETT HOOD**

1. My name is Brett Lewis Hood. My qualifications and experience are as set out in my statement of evidence in chief (EIC) dated 25 August 2023.
2. I have read the expert witness Code of Conduct for Expert Witnesses and have complied with this Code in the preparation of my evidence.
3. I prepared both evidence in chief and rebuttal evidence. I also attended all expert conferences and am a signatory to all of the subsequent JWSs.
4. My evidence considers the evidence of other experts, including in relation to effects on the environment, and provides a detailed assessment of the proposal against the relevant statutory planning framework. My rebuttal evidence also includes the latest proposed conditions of consent which have been refined following expert conferencing.

### **Relevant statutory plans**

5. My evidence identifies the relevant statutory planning documents, being the New Zealand Coastal Policy Statement (NZCPS), Regional Policy Statement for Northland (RPS), Proposed Regional Plan for Northland for Northland (PRP), and the Whangarei District Plan (WDP), and clarifies that the PRP and WDP were both prepared under and give effect to the higher order NZCPS and RPS. My evidence primarily focusses on the PRP and WDP, but with occasional reference to the NZCPS and RPS, where necessary. I also note that while the objectives and policies of the legacy regional plans (Regional Water and Soil Plan, Air Quality Plan, and Coastal Plan) are technically still relevant, I consider that no weight should be placed on them as the PRP that is replacing them is now beyond challenge (all appeals are resolved).

### **District and Regional Plan zones**

6. My evidence identifies that the proposed expansion area is located within the Marsden Point Port Zone (MPPZ)<sup>1</sup> as mapped in the PRP, the stated purpose of which is to:

... enable the development and operation of existing and authorised maritime-related commercial enterprises or industrial activities ...<sup>2</sup>

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<sup>1</sup> The MPPZ is the only Port Zone in the PRP, and it was included specifically to accommodate existing and future Northport and CINZ infrastructure.

<sup>2</sup> Policy D.5.8.

7. I also identify that the expansion area adjoins the existing Northport facility zoned 'Port Zone' in the WDP, the stated purpose of which is:
- To enable the ongoing and future growth and development of the Port and any associated operational areas and facilities; and
  - To provide for operations relating to the transportation of people and freight including within the Port Zone.
  - To enable appropriate commercial and industrial development adjacent to Marsden Bay Drive, and to otherwise manage non-port related activities so as not to compromise or constrain the primary purpose of the zone.
8. In addition to the District and Regional plans identifying the site as appropriate for port development through the zonings applying to the adjoining land and CMA, my evidence is also informed by Northport having completed a thorough consideration of alternative designs and locations, and of potential effects management measures. As a result, I conclude that the adverse effects of the proposal have been minimised or otherwise managed such that the proposal sits comfortably with the provisions of the PRP and WDP.

#### **Activity status**

9. My evidence in chief, and my rebuttal evidence, discuss the activity status of the overall bundle of WDC and NRC consents. I conclude that the activity status is discretionary overall, including innominate (discretionary) consents for port activities on the proposed reclamation and in the adjoining Natural Open Space Zone, and for the various activities in the CMA.

#### **Key matters addressed in statutory planning documents**

10. My evidence identifies and addresses a range of resource management matters covered in the various statutory planning documents, with those central to the proposal being:
- Regionally Significant Infrastructure
  - Indigenous biodiversity
  - Tangata Whenua
  - Reclamation
  - Dredging, disturbance, and deposition
  - Natural character

- Amenity values (including port noise)
- Transport

#### Regionally Significant Infrastructure

11. My evidence identifies that Northport is Regionally Significant Infrastructure (RSI) as defined in the RPS, and that RSI has elevated importance through specific objectives and policies in both the RPS and PRP, including provisions that seek to recognise, promote, and enable it, specifically:
  - Objective 3.7 of the RPS is to recognise and promote the benefits of RSI to Northland's economic, cultural, environmental, and social well-being; and
  - Objective F.1.6 is included in the PRP to both *recognise* the benefits of RSI and to *enable* its effective development, operation, maintenance, repair, upgrading and removal.
12. My evidence notes the explanation for Objective 3.7 of the RPS which identifies the importance of RSI to the Northland Region, and the need to provide for it, albeit recognising that the constraints of infrastructure provision often mean that adverse effects cannot always be practicably avoided or internalised. The explanation also identifies the importance of recognising the long-term needs of infrastructure providers to operate, maintain and enhance assets.
13. I also identify that the RPS and PRP RSI objectives are supported by a range of policies which provide further clarification on the matters that should be had regard to and given weight to when considering proposals for RSI, most of which are directly relevant to the proposal, and that the policies also provide direction for the management of effects arising from the establishment, operation, and upgrading of RSI. I conclude that the proposal aligns with these provisions.

#### Indigenous biodiversity

14. My evidence identifies Policy 11 of the NZCPS as a directive policy to avoid adverse effects on certain threatened or at-risk indigenous flora and fauna,<sup>3</sup> and significant effects on other indigenous biodiversity and related habitats. I also note that this policy has subsequently been given effect to in Policy 4.4.1 of the RPS and Policy D.2.18 of the PRP.

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<sup>3</sup> Among other identified matters.

15. My evidence considers the technical assessments and evidence of Dr Kelly, Dr Bull, Mr Sneddon, Dr Clement, and Dr Flynn in respect to effects on indigenous biodiversity, concluding that the proposal aligns with D.2.18 on the basis of avoidance and mitigation measures identified by these experts and incorporated in the proposed conditions of consent.

#### Tangata Whenua

16. My evidence identifies the relevant provisions relating to tangata whenua, including Objective 3 and Policy 2 of the NZCPS, Objective 3.12 of the RPS, and Objective F.1.9 and a range of supporting policies in the PRP. I conclude that the PRP provisions reinforce the need to recognise and provide for kaitiakitanga through a range of means including early engagement, meaningful consultation, involvement throughout the resource consent process, and through appropriate responses to effects on tangata whenua.
17. My evidence, supported by the evidence of other Northport witnesses, details the consultation and involvement of tangata whenua throughout the initial design and resource consent process, and the related conditions of consent proposed in response to the matters that are within the control of Northport. My evidence acknowledges that not all concerns raised by tangata whenua are capable of resolution through conditions of consent, but that the proposed conditions nevertheless respond to the various plan provisions relating to tangata whenua issues, as outlined in the evidence of Mr Isaacs.

#### Reclamation

18. My evidence addresses Policy 10 of the NZCPS (relating specifically to reclamations), and I conclude that the proposal meets the requisites and aligns with the range of matters in Policy 10(2) in respect to the form and design of the proposed reclamation. My evidence also notes the specific relevance of Policy 3 of the NZCPS which is that particular regard be had to the efficient operation of infrastructure, including ports.
19. My evidence also notes that while the RPS does not contain any specific provisions in respect to reclamation, the PRP contains two specific policies (Policy D.5.20 and D.5.21), with D.5.20 being essentially a précis of the NZCPS Policy 10, while Policy D.5.21 requires regard to be had to the extent to which the reclamation and its intended purpose provide for the efficient operation of infrastructure (including ports). My evidence concludes that the proposal is fully aligned with these provisions.

### Dredging, disturbance and deposition

20. My evidence identifies that the PRP contains specific policy provisions relating to dredging, disturbance, and deposition activities in the CMA, and that from an effects perspective, the provisions are focused on avoiding long-term erosion in the CMA and on land, and related effects on structures in the CMA. I also note that the provisions seek to recognise the benefits of dredging, disturbance, and deposition activities, especially where (relevantly) they are for the operation, maintenance, upgrade, or development of RSI and/or for beach re-nourishment and deposition for beneficial purposes. Having considered the benefits of the dredging, disturbance and deposition activities associated with the proposal, my evidence concludes that the proposal aligns with these provisions.

### Natural character and natural features and landscapes

21. My evidence identifies that Objective 2 and Policies 13 and 15 of the NZCPS include direction to avoid adverse effects on outstanding natural character and landscape areas, and outstanding natural features, and to otherwise avoid significant effects on other natural character and natural features and landscapes in the coastal environment, with this further reinforced by provisions in the RPS, and again by Objective F.1.12 and the supporting Policy D.2.17 of the PRP. My rebuttal evidence identifies additional provisions in the WDP that require the consideration of existing development to contextualise effects on ONLS, ONFs, and ONCs.
22. Having considered the evidence of Mr Brown, my evidence concludes that the effects of the proposal on ONLS, ONFs, ONCs, and natural character in general, when considered in the context of the existing environment, align with the relevant provisions of these plans.

### Amenity values (including port noise)

23. My evidence notes that potential effects on amenity values is a matter that permeates through all of the relevant statutory planning documents, but it is particularly relevant under the provisions of the WDP, with noise and visual effects being the main considerations.
24. My evidence contains a detailed consideration of amenity values, noting the differing expectations of the various District and Regional plan zones involved, and I conclude that the inherent tension between the expectations of the different zones is adequately and appropriately managed by the port noise management provisions proposed as conditions of consent.

## Transport

25. My evidence includes conditions of consent (developed in conjunction with Ms Harrison) relating to potential effects on SH15, and more specifically at the various local road intersections. My rebuttal evidence also includes an assessment of relevant provisions in the RPS and WDP relating to traffic matters, which ultimately reinforce my view that the related proposed conditions of consent are appropriate.

## Summary

26. Overall, my evidence concludes that the proposal is located in District and Regional Plan zones created specifically for port establishment, operation, and upgrading/development. Furthermore, the proposal has a very high level of alignment with the objectives and policies pertinent to these zones, RSI, and economic development in general.
27. My evidence addresses the directive policies to avoid adverse effects on indigenous biodiversity, outstanding natural character and landscape areas, outstanding natural features, and other natural areas located within the coastal environment. Having considered the evidence of the various technical experts, and my understanding that a policy which directs that effects be avoided may be satisfied if the effects in question are minor or transitory, my evidence concludes that the proposal aligns with these directive policies.
28. My evidence also traverses the various provisions relating to tangata whenua, and concludes that the process followed by Northport, coupled with the proposed conditions of consent align with these provisions to the greatest extent practicable, noting some residual matters are unable to be resolved through conditions of consent or are otherwise outside the scope of matters that can be addressed through this resource consent application.
29. Overall, my evidence concludes that the proposal aligns with the relevant provisions of the statutory planning documents.

**Brett Hood**

3 October 2023